

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--|---------------------------|--|--|---------------------------------|
| Investigator: Chanan Berkovits | Team: Team # 4 | CCRB Case #: 201103934 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 03/22/2011 10:45 PM | Location of Incident: Guy R. Brewer Boulevard and 112th Road; 113th Precinct stationhouse | Precinct: 113 | 18 Mo. SOL 9/22/2012 | EO SOL 9/22/2012 | |
| Date/Time CV Reported Fri, 03/25/2011 12:00 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 03/29/2011 12:37 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|---------------------------|--------|--------|---------|
| 1. POM Jeronnie Glanville | 07529 | 941818 | 113 PCT |
| 2. POM Jason Zummo | 11153 | 939739 | 113 PCT |
| 3. POM James Zozzaro | 28340 | 942747 | 113 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. SGT Fitzroy Vigilance | 04583 | 918667 | 113 PCT |
| 2. SGT Edward Silvester | 02780 | 918332 | 113 PCT |
| 3. SGT Greg Vallerugo | 02315 | 927621 | 113 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------|---|-----------------------------|
| A.POM James Zozzaro | Abuse: At Guy Brewer Boulevard and 112th Street in Queens, PO James Zozzaro searched the car in which § 87(2)(b) was an occupant. | |
| B.POM Jeronnie Glanville | Abuse: At Guy Brewer Boulevard and 112th Street in Queens, PO Jeronnie Glanville searched the car in which § 87(2)(b) was an occupant. | |
| C.POM Jason Zummo | Force: At Guy Brewer Boulevard and 112th Street in Queens and at the 113th Precinct Stationhouse, PO Jason Zummo used physical force against § 87(2)(b) | |
| D.POM Jason Zummo | Off. Language: At Guy Brewer Boulevard and 112th Street in Queens, PO Jason Zummo made remarks to § 87(2)(b) based upon race. | |
| § 87(2)(g), § 87(4-b) | | |
| § 87(4-b), § 87(2)(g) | | |

Case Summary

§ 87(2)(b) filed a complaint with Internal Affairs on March 24, 2011, generating log number 11-13415 (encl. 5). This complaint was received by the CCRB on March 29, 2011 (encl. 6-7).

On March 22, 2011, PO Jeronnie Glanville arrested § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority:** At Guy Brewer Boulevard and 112th Street in Queens, PO James Zozzaro searched the car in which § 87(2)(b) was an occupant.
- **Allegation B – Abuse of Authority:** At Guy Brewer Boulevard and 112th Street in Queens, PO Jeronnie Glanville searched the car in which § 87(2)(b) was an occupant. § 87(2)(g)
- **Allegation C – Force:** At Guy Brewer Boulevard and 112th Street in Queens and at the 113th Precinct Stationhouse, PO Jason Zummo used physical force against § 87(2)(b) § 87(2)(g)
- **Allegation D – Offensive Language:** At Guy Brewer Boulevard and 112th Street in Queens, PO Jason Zummo made remarks to § 87(2)(b) based upon race. § 87(2)(g)
- § 87(2)(g), § 87(4-b)

This case was reassigned to Inv. Berkovits after the resignation of Inv. Vaysman.

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on May 6, 2011 (encl. 8-11). Inconsistencies between § 87(2)(b)'s CCRB testimony and his statements to IAB are noted below. On March 22, 2011, at approximately 10:45 p.m., § 87(2)(b) was driving in the vicinity of Guy Brewer Boulevard and 112th Street in Queens, when he was stopped by a black male officer and two white male officers, identified through the investigation as PO Jeronnie Glanville, PO Jason Zummo, and PO James Zozzaro of the 113th Precinct. PO Zozzaro approached § 87(2)(b)'s vehicle from the driver's side and PO Glanville approached from the passenger's side. § 87(2)(b) was alone in his sister's vehicle, a gold 1998 Nissan Maxima with Pennsylvania license plates.

PO Zozzaro told § 87(2)(b) that the registration sticker on his car's license plates had expired. When § 87(2)(b) did not respond, PO Zozzaro told him to get out of the car. Once § 87(2)(b) was out of the vehicle, PO Zozzaro and PO Glanville searched the entire car (**Allegations A and B**). When filing his complaint with Internal Affairs, § 87(2)(b) did not make this allegation. PO Zummo exited the back of the police vehicle and approached § 87(2)(b). § 87(2)(b) told the officers, "This only happens in the black neighborhoods." PO Zummo grabbed § 87(2)(b) by the front of his shirt and slammed him backwards against the hood of the police vehicle (**Allegation C**). § 87(2)(b)'s back made contact with the hood of the car, but he did not sustain any injuries. When filing his complaint with Internal Affairs, § 87(2)(b) alleged that an officer grabbed him and choked him at the scene of his arrest. PO Zummo told § 87(2)(b) that he looks like "an asshole nigger" (**Allegation D**). PO Zozzaro found a folding knife in § 87(2)(b)'s car, and § 87(2)(b) was arrested. § 87(2)(b) was charged with possession of a knife.

At the 113th Precinct Stationhouse, PO Zummo told § 87(2)(b) to stand against a wall, but § 87(2)(b) was already standing against it. PO Zummo grabbed § 87(2)(b) by the front of his shirt and slammed him backwards into the wall (**Allegation C**). § 87(2)(b)'s back hit the wall, but he did not sustain any injuries. When filing his complaint with Internal Affairs, § 87(2)(b) stated that after an officer told him to stand against the wall, the officer choked him.

NYPD Statements:

Subject Officer: PO JERONNIE GLANVILLE

- § 87(2)(b).
- Assigned to the 113th Precinct anticrime team, worked in plainclothes from 7:30 p.m. to 4:05 a.m. with PO Zummo and PO Zozzaro, operating out of a black Chevrolet Impala.

Arrest Report

The arrest report which PO Glanville prepared records that § 87(2)(b) was driving a vehicle with an expired registration. He was found to be in possession of a gravity knife. He was charged with § 87(2)(b) (encl. 15-17).

Memo Book Entries

PO Glanville's memo book (encl. 19-21) records that at 10:40 p.m., § 87(2)(b) was stopped on Guy Brewer Boulevard and 112th Road. At 10:50 p.m., § 87(2)(b) was placed under arrest.

CCRB Testimony

PO Jeronnie Glanville was interviewed at the CCRB on August 3, 2011 (encl. 22-23). On March 22, 2011, at approximately 10:45 p.m., PO Glanville, PO Zummo and PO Zozzaro were on patrol in the vicinity of Guy Brewer Boulevard and 112th Road in Queens. One of the officers, observed a vehicle that had an expired registration sticker. PO Glanville was not the first one to observe the vehicle, but it was all the officers' decision to stop the vehicle. The officers stopped the vehicle. All three officers exited the vehicle and approached the driver, known to the CCRB as § 87(2)(b).

PO Glanville approached the vehicle from the passenger side, but he did not recall which officer approached the driver's side. § 87(2)(b) was instructed to roll down all of his windows. The officer on the driver's side of the vehicle asked § 87(2)(b) for his license and registration. § 87(2)(b) provided his license, but was having trouble locating his registrations. § 87(2)(b)

turned on the overhead light and opened the center console of the vehicle, and PO Glanville saw a gravity knife inside the center console. PO Glanville did not recall any details about the knife, such as its size or shape. PO Glanville signaled to the officer who was standing by the driver's side. The other officer saw the knife and told § 87(2)(b) to exit the vehicle because he was under arrest. PO Glanville reached into the center console and removed the knife. PO Glanville did not search any other area of the vehicle. PO Zummo and PO Zozzaro did not search the vehicle.

PO Glanville did not slam § 87(2)(b) against the hood of the police car and he did not see any officer do so. PO Glanville did not call § 87(2)(b) an "asshole nigger" and he did not see hear any officer make this comment. § 87(2)(b) was taken to the 113th Precinct and brought before the desk. PO Glanville did not slam § 87(2)(b) against the wall at the stationhouse, and he did not see any other officer do so.

Subject Officer: PO JASON ZUMMO

- § 87(2)(b).
- *Assigned to the 113th Precinct anticrime team, worked in plainclothes from 7:30 p.m. to 4:05 a.m. with PO Glanville and PO Zozzaro, operating out of a black Chevrolet Impala.*

Memo Book Entries

PO Zummo did not have any memo book entries regarding the incident (encl. 24).

CCRB Testimony

PO Jason Zummo was interviewed at the CCRB on August 4, 2011 (encl. 25-26). PO Zummo provided testimony which was consistent with that of PO Glanville with the exception of the following: On March 22, 2011, PO Zummo, PO Zozzaro and PO Glanville were on patrol in the vicinity of Guy R. Brewer Boulevard and 112th Road in Queens. PO Zozzaro was driving the vehicle, but PO Zummo did not recall where in the vehicle he was sitting. PO Zummo observed § 87(2)(b) operating a vehicle with an expired registration sticker and out of state plates. The officers stopped § 87(2)(b)'s vehicle to make sure that the vehicle was not stolen and to possibly issue § 87(2)(b) a summons.

PO Zummo and PO Zozzaro approached the driver's side of the vehicle, and PO Glanville approached the passenger's side. PO Zozzaro asked § 87(2)(b) for his license and registration. § 87(2)(b) opened his center console, and PO Glanville observed what PO Zummo later found out was a knife. PO Zummo and PO Zozzaro removed § 87(2)(b) from the vehicle, and PO Glanville retrieved the knife from the vehicle. PO Zummo did not search § 87(2)(b)'s vehicle, and he did not see PO Zozzaro or PO Glanville do so. PO Zummo did not call § 87(2)(b) "an asshole nigger," and he did not hear any officer make this comment. PO Zummo did not slam § 87(2)(b) against the hood of the police vehicle, and he did not see any officer do so.

§ 87(2)(b) was handcuffed and transported to the 113th Precinct Stationhouse. PO Zummo did not slam § 87(2)(b) against the wall, and he did not see any officer do so.

Subject Officer: PO JAMES ZOZZARO

- § 87(2)(b).
- *Assigned to the 113th Precinct anticrime team, worked in plainclothes from 7:30 p.m. to 4:05 a.m. with PO Glanville and PO Zummo, operating out of a black Chevrolet Impala.*

Memo Book Entries

PO Zozzaro did not have any memo book entries regarding the incident (encl. 27-28).

CCRB Testimony

PO James Zozzaro was interviewed at the CCRB on August 4, 2011 (encl. 29-30). PO Zozzaro provided testimony which was consistent with that of the other officers. PO Zozzaro, PO Zummo, and PO Glanville all decided to stop § 87(2)(b)'s vehicle to make sure that the vehicle was not stolen and to possibly issue him a summons. Upon instructing § 87(2)(b) to stop his vehicle by activating the lights and sirens, PO Zozzaro and PO Zummo approached the driver's side of the vehicle and PO Glanville approached the passenger's side. PO Zozzaro asked § 87(2)(b) for his license and registration. § 87(2)(b) opened his center console to search for it and PO Glanville observed a knife. PO Glanville removed the knife. PO Zozzaro did not search the vehicle, and he did not see PO Zummo or PO Glanville search the vehicle.

PO Zozzaro did not call § 87(2)(b) "an asshole nigger," and he did not hear any officer do so. PO Zozzaro did not slam § 87(2)(b) against the hood of the police vehicle, and he did not see any officer do so. § 87(2)(b) was transported to the 113th Precinct Stationhouse. Officers did not use physical force against § 87(2)(b) at the stationhouse. PO Zozzaro did not slam § 87(2)(b) against a wall, and he did not see any officer do so.

Witness Officer: SGT. GREG VALLERUGO

- § 87(2)(b)
- 113th Precinct anticrime sergeant, worked in plainclothes from 7:30 p.m. to 4:14 a.m. with PO Nozdrovicky, operating out of a black Ford 500.

Memo Book Entries

Sgt. Vallerugo did not have any memo book entries regarding the incident (encl. 35).

CCRB Testimony

Sgt. Vallerugo was interviewed at the CCRB on December 27, 2011 (encl. 36-37). He did not recall this incident. At the time of his interview, Sgt. Vallerugo was shown the command log entry pertaining to § 87(2)(b)'s arrest. He acknowledged that he prepared this entry, but seeing the entry did not refresh his recollection of the incident. In order to prepare the command log entry, Sgt. Vallerugo would have needed to be present when § 87(2)(b) was brought in front of the desk. He did not recall interacting with PO Glanville, PO Zummo, or PO Zozzaro on the day of the incident. He did not see any officer push § 87(2)(b) against a wall. He did not see any officer make any physical contact with § 87(2)(b).

Witness Officer: SGT. EDWARD SILVESTER

- § 87(2)(b)
- 113th Precinct desk sergeant, worked alone in uniform from 2:50 p.m. to 11:47 p.m.

Memo Book Entries

Sgt. Silvester did not have any memo book entries regarding the incident (encl. 31-32).

CCRB Testimony

Sgt. Silvester was interviewed at the CCRB on December 8, 2011 (encl. 33-34). Sgt. Silvester had no recollection of this incident. At the time of his interview, Sgt. Silvester was shown the command log entry pertaining to § 87(2)(b)'s arrest. None of the information in that entry was familiar to him. He stated that this entry was prepared by Sgt. Vallerugo, who was the supervisor of the arresting officer. Sgt. Silvester had no involvement in the processing of § 87(2)(b).

§ 87(2)(b) s arrest. He did not see any interaction between PO Glanville, PO Zummo, or PO Zozzaro and civilians at the stationhouse. He did not see any officer push § 87(2)(b) against a wall. He did not see any officer make physical contact with § 87(2)(b)

Witness Officer: SGT. FITZROY VIGILANCE

- § 87(2)(b)
- *113th Precinct school sergeant, worked in uniform from 9:15 a.m. to 6:12 p.m., operating out of a patrol car. He did not recall his partner.*

Memo Book Entries

Sgt. Vigilance did not have any memo book entries regarding the incident.

CCRB Testimony

Sgt. Vigilance was interviewed at the CCRB on August 12, 2011 (encl. 38-39). On March 22, 2011, Sgt. Vigilance worked from 9:15 a.m. to 6:12 p.m. He did not work any overtime. Sgt. Vigilance was not working at the time of the incident.

NYPD Document

113th Precinct Command Log

The command log for March 22, 2011 (encl. 42) records § 87(2)(b) s arrest at 10:50 p.m. His physical condition is given as “good.”

§ 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 18, 2012 with regard to the incident (encl. 43).

§ 87(2)(c), § 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 4).

Subject Officers CCRB History

- PO Glanville has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 1).
- PO Zozzaro has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 2).
- PO Zummo has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 3).

Conclusion

Identification of Subject Officers

- § 87(2)(b) described one of the officers who searched his vehicle as a black male. Statements and documentary evidence showed that PO Glanville was the only black officer present during this incident. Consequently, a vehicle searched allegation has been pleaded against him.
- § 87(2)(b) stated that the second officer who searched his vehicle was the officer that initially spoke to him when the officers approached his vehicle. PO Zozzaro acknowledged addressing § 87(2)(b) during the vehicle stop. Consequently, a vehicle searched allegation has been pleaded against him.
- § 87(2)(b) stated that the white male officer who had been sitting in the back of the officers' vehicle used force against him and made remarks based upon race. Statements confirmed that, of the two white male officers present during the incident, PO Zozzaro was the driver of the vehicle. Consequently, physical force and offensive language allegations have been pleaded against PO Zummo.

Investigative Findings and Recommendations

Allegation Not Pleaded

The officers stated that they stopped § 87(2)(b)'s vehicle because the vehicle registration had expired. Given that when he was arrested § 87(2)(b) was charged with operating an unregistered vehicle, no vehicle stopped allegation has been pleaded. § 87(2)(b) stated that PO Zummo called him "an asshole nigger." The investigation determined that the profanity "asshole," is subordinate to the offensive language allegation. Therefore, no discourteous word allegation has been pleaded.

Allegation A – Abuse of Authority: At Guy Brewer Boulevard and 112th Street in Queens, PO James Zozzaro searched the car in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: At Guy Brewer Boulevard and 112th Street in Queens, PO Jeronnie Glanville searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) stated that PO Zozzaro and PO Glanville searched his vehicle. When filing his complaint with Internal Affairs, § 87(2)(b) did not make this allegation. All the officers denied that they searched § 87(2)(b)'s vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Force: At Guy Brewer Boulevard and 112th Street in Queens and at the 113th Precinct Stationhouse, PO Jason Zummo used physical force against § 87(2)(b)

§ 87(2)(b) stated that, during his arrest, PO Zummo, grabbed him by his shirt and slammed his back against the officers' vehicle. When filing his complaint with Internal Affairs, § 87(2)(b) alleged that an officer choked him at the scene of his arrest. § 87(2)(b) stated that at the 113th Precinct Stationhouse, PO Zummo told him to stand against a wall. PO Zummo then grabbed § 87(2)(b) by the shirt and slammed him against the wall. When filing his complaint with Internal Affairs, § 87(2)(b) alleged that an officer choked him after telling him to stand against the wall. § 87(2)(b) did not sustain any injuries as a result of either of these uses of force, and he did not obtain any medical treatment. PO Zummo denied using any physical force against § 87(2)(b) at any time. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

Allegation D – Offensive Language: At Guy Brewer Boulevard and 112th Street in Queens, PO Jason Zummo made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) stated that PO Zummo called him “an asshole nigger.” PO Zummo denied saying this remark. The other officers corroborated PO Zummo’s account. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: 4

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| Investigator: _____ | Chanan Berkovits | January 30, 2012 |
| Signature | Print | Date |

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| Supervisor: _____ | _____ | _____ |
| Title/Signature | Print | Date |

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